

Redacted,
CEO,
Scouting Ireland,
National Office,
Larch Hill,
Dublin 16
D16 PO23

18th February 2019.

Re: Updates in relation to Children First Guidance 2017 and Children First Act 2015- Practice and Implementation.

Dear *redacted*,

As you are aware we are working with Scouting Ireland to offer information and advice in relation to meeting your legal requirements with Children First therefore we are writing this letter to update you on our involvement to-date and to outline some issues that we are concerned about.

Meeting with Scouting Ireland:

A meeting was held with Scouting Ireland representatives and Tusla in Larch hill on 8th January 2019. *redacted*, *redacted* and *redacted* attended from Scouting Ireland. *Redacted*, *redacted* (Children First Information and Advice Officers) and *redacted* (Tusla Child Safeguarding Statement Compliance Unit) were present.

A number of actions were agreed as outlined below:

- Tusla Children First Information and Advice Officers would do a presentation in relation to Children First to the Board of SI and it was agreed that the BOM meeting dates would be forwarded to *redacted* and *redacted*, to progress this task.
- CFIAO would review the child protection and welfare procedures of Scouting Ireland. The core document, *Scouting Ireland Code of Good Practice* (available on the Scouting Ireland website), was to be sent to CFIAO in word version to enable the insertion of feedback comments. This feedback was to be provided to Scouting Ireland in advance of the next planned meeting on 14th March. It was agreed that a teleconference could be set up in advance of the date if needed to discuss the feedback.
- A link to the SI e-learning programme would be sent to the CFIAO to review SI's child safeguarding training. The power-point of the face-to-face training and speaker notes were also to be sent to *redacted* and *redacted* for the same purpose. Scouting Ireland's Safeguarding training dates were to be sent to *redacted* and *redacted* in order for them to observe the training and provide feedback.
- Discussion took place in relation to the various safeguarding roles within SI and concern was expressed by CFIAO that SI had appointed a mandated person which was not in line with the CF legislation, as this role is attached to certain professions specified within the Act rather than an

organisations responsibility to appoint. SI agreed to review the roles and appointment of certain personnel- i.e. DLP, Mandated Person, Child Safeguarding Officer etc.

- SI gave a commitment to draw up a SI implementation strategy in relation to their child safeguarding policies and procedures.
- SI agreed to meet separately with *redacted* (from the Tusla CSSCU) regarding the Child Safeguarding Statement and Children First compliance.
- CFIAO suggested that it would be a useful exercise to review emerging themes arising from the existing Scouting Ireland reported cases currently with *redacted*, Tusla Principal Social Worker to provide some analysis which may inform the review of SI safeguarding procedures and processes.

An email outlining the action plan above was sent to *redacted* on 9th January 2019. An email response was subsequently received from SI on the 8th February addressing some of the outstanding actions.

Review of Policies and Procedures:

CFIAO reviewed the *Scouting Ireland Code of Good Practice* document in relation to expectations under Children First Guidance 2017 and the Children First Act 2015. On 17th January 2019, a feedback report was forwarded to Scouting Ireland by email to *redacted*. CFIAO have not received a response in relation to this report.

An outline of this feedback includes:

- A full review and update of the *Scouting Ireland Code of Good Practice* document in line with Children First National Guidance 2017 and Children First Act 2015 was given.
- The identification of other relevant policies mentioned in the Code may also need to be reviewed including:
 - Accident/incident SIF 10/05
 - Camps and overnight SID 77/11a
 - Social networking SID 39D/11
 - Conflict resolution SID 19/04
 - Guidelines SID 19a/12
 - SID 40/05
 - Recruitment-SIF 01/04/
 - Adult reference form SIF01/04a
 - Adults in scouting SID 96/13
 - Policy on non-member adults SID 35/05
 - Booklet on special needs
 - Charter of guidance sheet 3
 - Youth participation policy SID 14/03
 - National Youth Committee guidelines

Gaps in terms of the Child Safeguarding Statement and the Children First Act 2015 include procedures that CFIAO had not seen:

- Procedure for maintaining a list of mandated persons
- Procedure for the appointment of a relevant person
- Procedure for the provision of and access to child safeguarding training and information.

The following procedures (as specified in the Act) were found to be insufficient:

- Procedure for the reporting of child protection and welfare to Tusla (Appendix 2)
- Procedure for the safe recruitment and selection of workers and volunteers (appendix 4).

An Ghníomhaireacht um Leanaí agus an Teaghlach / Child and Family Agency

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- Procedure for the management of Allegations of abuse or misconduct against workers/volunteers of a child availing of the service (appendix 2).

Tusla Child Safeguarding Compliance Unit:

On 16th January 2019, Scouting Ireland received correspondence from Tusla CSSU indicating that the Scouting Ireland Child Safeguarding Statement was partially compliant.

Analysis of Sample Cases Reported to Tusla by Scouting Ireland:

With the support of Tusla Principal Social Worker, a sample of *redacted* Child Protection and Welfare Reports received by Tusla from Scouting Ireland were examined and the following practice issues emerged:

- A) Tusla and an Garda Síochána have the statutory responsibility to assess and investigate child protection and welfare concerns. Children should not have been interviewed by anyone other than these agencies. Confidentiality should always be maintained in such situations. Parents should always be informed if an issue arises about their child unless doing so would endanger the child.** One case reported to Tusla outlines that the girl on a camping trip was questioned after a sexual assault and asked “Did you tell him to stop?” “Did you say no to him?” “Was she sore and in pain?” The report outlined that the boy involved was approached by *redacted* described as “the head of safeguarding”, in the presence of his scout leaders and interviewed about what happened.
- B.) Activities should be supervised adequately and expectations about behaviour should be clearly outlined for young people engaged in the scouts. Children should not be interviewed by anyone other than Tusla and An Garda Síochána. A child protection or welfare concern should be passed directly to Tusla and/or An Garda Síochána.** In this case a young teenage girl went to a boy’s tent at 12.30am and spent 2 hours there. An Incident occurred. The Scouting Ireland Child Safeguarding Team interviewed the girl on 3 occasions and made an assessment that the assault claim was credible. The team also interviewed the boy involved.
- C.) Children must be adequately supervised and a clear code of behaviour should be implemented with the children which outlines the type of behaviour that is acceptable.** Gaps arose in three situations. In one case on cub camp, a child exposed himself and sexually assaulted children in the tent. In another report, a child was exposing himself and behaving in a sexually in-appropriate way in front of his camp mates and in a third case, at cub camp a child was acting out a forceful sex act on other children in the tent who were afraid to sleep for fear of being assaulted themselves.

These live case examples highlight a number of areas of poor practice and have left children exposed to risk of harm. In addition the practice by SI personnel, *redacted*, as Head of Safeguarding to interview children in the circumstances described above is very concerning. While the review and updating of the policies and procedures are essential to ensure compliance with the Children First Legislation and National Guidance, a robust implementation strategy that brings about cultural change and imbeds a child centred ethos is of crucial importance.

Helpline:

CFIAO are concerned that the Helpline that was put in place to receive child protection allegation in relation to SI is manned by SI personnel. This may indicate a significant conflict of interest and raises a question in relation to the suitability, competence and ethics of such a system.

Further concerns arise in relation to the management of a recent situation. Information was confidentially shared with CFIAO detailing the experience of a caller to the SI Helpline. This information provided indicates that the SI representative displayed an over-familiar attitude and casual approach to the call, quizzing and questioning the reporter regarding their allegation, individuals in the scouting arena, events and dates. The representative lacked an awareness of appropriate professional boundaries and disputed with the caller about the accuracy of the timeframes of their allegation. It must also be noted that the representative subsequently accepted the claim and apologised on behalf of the organisation.

Recommendations:

In light of the engagement to-date with SI, we are concerned about the apparent lack of progress in reviewing the policies, procedures, training and culture which underpin the SI service, and we are of the view that these concerns should be escalated to you as CEO.

1. CFIAO suggest that it is imperative that the proposed meeting with SI BOM is progressed without delay.
2. The actions of key personnel holding a role in safeguarding may have been compromised and further consideration may have to be given to this.
3. CFIAO suggest that consideration should be given to nominate the CEO of SI to be the principal liaison person in relation to this work.
4. A sub-committee should be put in place to review SI child safeguarding statement and procedures and support implementation of same throughout the organisation.
5. An urgent review of the manner in which SI managed the current child protection concerns and disclosures from children should commence.
6. There should be an immediate review of the supervision of children involved in Scouting.
7. The CFIAO recommendation is that SI should consider the viability of continuing with overnight trips given the concerns outlined.
8. Consideration should be given to ensuring that personnel manning the helpline are independent of SI, and that they have appropriate qualifications and experience to manage the information.

We are available to meet if required to discuss all issues raised.

Yours sincerely,

**Names redacted*

CFIAO CFIAO

A/National Children First Lead